

30-3-4.5. Motion for temporary separation order.

(1) A petitioner may file an action for a temporary separation order without filing a petition for divorce by filing a petition for temporary separation and motion for temporary orders if:

(a) the petitioner is lawfully married to the respondent; and
(b) both parties are residents of the state for at least 90 days prior to the date of filing.

(2) The temporary orders are valid for one year from the date of the hearing, or until one of the following occurs:

(a) a petition for divorce is filed and consolidated with the petition for temporary separation; or

(b) the case is dismissed.

(3) If a petition for divorce is filed and consolidated with the petition for temporary separation, orders entered in the temporary separation shall continue in the consolidated case.

(4) Both parties shall attend the divorce orientation course described in Section 30-3-11.4 within 60 days of the filing of the petition, for petitioner, and within 45 days of being served, for respondent.

(5) Service shall be made upon respondent, together with a 20-day summons, in accordance with the rules of civil procedure.

(6) The fee for filing the petition for temporary separation orders is \$35. If either party files a petition for divorce within one year from the date of filing the petition for temporary separation, the separation filing fee shall be credited towards the filing fee for the divorce.

Amended by Chapter 34, 2010 General Session